MESSAGE

OF

HIS EXCELLENCY LEVI LINCOLN,

TRANSMITTED TO

BOTH BRANCHES OF THE LEGISLATURE,

January 7, 1829.

BOSTON:
TRUE AND GREENE, STATE PRINTERS.

1829.

MESSAGE.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives.

On re-assembling, as the Representatives of a free people, for the discharge of public duties, in the adoption of measures to promote the future welfare of the republic, we are naturally led to a review of those social and political blessings, in the enjoyment of which we have entered upon a new year, and to devout acknowledgments of gratitude to the sovereign Ruler of the universe, for that benevolent providence which has sustained the nation in peace and happiness, through the year which has just closed. The recent full and lucid exposition of our public concerns, which is given in the late official communication of the President to Congress, affords satisfactory assurance of the increasing prosperity of our widely extended country, and by reference to measures and events, is the best vindication of the ability, wisdom, pure and devoted patriotism, with which the administration of its affairs has been conducted. To no other people on earth has so large a portion of personal and public happiness been vouchsafed. Of no nation does the history of past or of present

time exhibit such a picture of true moral grandeur. A great people, self-governed by their own intelligence and moderation, appointing their agents through the forms of a voluntary compact, directing the policy of their government by opinion, sustaining or impeaching an administration according to the dictates of sentiment or of interest, and by a rotation in the offices of power and of trust, in the peaceful exercise of the right of suffrage, producing changes of men in the highest stations, which in other countries, are rarely effected but by desperate achievements of revolution and bloodshed. To the character of our republican institutions we are indebted under Heaven, for whatever is thus enviable in our condition. The continuance of our public enjoyments must depend upon the purity in which these institutions are preserved, through the cultivated intelligence of the citizens. In the progress of the country in wealth and power, and their two inseparable accompaniments, individual luxury and pride, patriotism will require many sacrifices. Personal ambition must be restrained to a subserviency to the general interest. Local objects must be surrendered to the common good. —Above all, sectional jealousies, exclusive party considerations, and the factious designs of restless and turbulent men, must be repressed, by the severest rebukes of a patriotic spirit, while national feeling, reverence for the constitution, and an inviolable adherence to the principles of the con-

federacy, should be inculcated and insisted upon, at all times, whenever and wherever there may be opportunity, and by all the motives and sanctions, which love of freedom and allegiance to country can suggest.

These reflections, I trust, will not be regarded as a departure from the course of remark which is appropriate to an official communication, on occasions like the present. In the discharge of our obligations to the Commonwealth, as a member of the great national family, we are bound to recognize the relation, and to cherish sentiments of attachment to the Union. The utmost fidelity to the interests of the State, is not inconsistent with the performance of every enjoined duty to the nation. If indeed it be otherwise, then are the devices of our forms of government a delusion, and the valor and wisdom of those who established them, with the happy experience of a half century in their administration, have deceived and betrayed us. I am aware that a note of alarm has been sounded loudly on this subject, and that some of the powers claimed by the General Government have been charged as flagrant violations of the rights of the States. But a recurrence to the fundamental principles of the Union, may prevent much misapprehension. The preamble to the articles in the Constitution of the United States, adopted subsequently to the formation of the Constitutions of the several States, which were original parties to the

compact, is an express declaration *by the People*, that "in order to form a more perfect union, establish justice, ensure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to themselves and their posterity," *they* did ordain and establish the frame of the Federal Government. The independent sovereignties, which before existed, connected together by the feeble bond of the old confederation, were found incompetent to secure these high objects. For their accomplishment, it was deemed necessary, by *the States themselves*, that the National Government, in its present form, and with adequate powers, should be established, and it is not too much to pronounce, that whenever the existence of these powers shall successfully be denied, or their discreet exercise effectually resisted, all the ends for which they were granted, union, justice, domestic tranquillity, the general welfare, and the blessings of liberty will be endangered. Nor let this be regarded as any admission that a latitudinarian construction may be given to the Constitution. On the contrary, the political axiom, that the authority which is not delegated to the General Government, is reserved to the States, cannot too scrupulously be regarded. The States, independently of each other and of the Union, possess every attribute of original sovereignty with which they have not voluntarily parted, and neither their rights of jurisdiction, more than the extent of their territory can be abridged,

within the utmost of their present limits, but by their further consent.

A reference to the General Government associates with it, a recognition of the issue of the late Presidential Election. Massachusetts, on this occasion, has given an opposing vote to the successful Candidate. In this, she has but exercised the right of preference for a Statesman of known ability, profound learning, great experience, and long and approved trust in the civil departments of Government, over a Fellow Citizen, hitherto more eminent in other distinctions. A Republican People, having cast their ballots with the independence becoming Freemen, will be just to the principles of their Government, in yielding a respectful submission to the constitutional result. Although they may have withheld expressions of confidence in the qualifications of the candidate, they will judge with unprejudiced minds, the conduct of the Officer. The succeeding Administration will be looked to, with that jealous vigilance, which is induced by a solicitous concern for the character of our institutions. If it shall respect the limitations of authority, be directed by the dictates of a pure and elevated patriotism, promote with faithfulness and impartiality the interests of the whole people, preserve domestic tranquillity, and maintain the peace and honor of the nation, *it will find here, a support, as efficient and sincere*, as though it had been pledged to the success of the election.

We owe this to our country, as well as to him, who, by the suffrages of his fellow citizens, has the high honor of having been called to preside over their public affairs.

Several subjects of peculiar concern to the interests of the Commonwealth, on which I had the honor to offer my sentiments to your consideration, at the commencement of the political year, remain in the custody of the Legislature, upon the Reports of Committees, and by orders of reference, to be acted upon at the present session. Of these, the most urgent, is that which relates to the Revenue, and I hope to be excused in again earnestly pressing it upon your attention. Since the omission of the annual grant of a State Tax, the receipts into the Treasury have been constantly insufficient to meet the ordinary expenses of Government. The deficiency of the year 1827 exceeded the sum of sixty three thousand dollars, and nearly exhausted the remaining balance of former years. The accounts of the Treasurer, for the past year, made up to the first instant, state the receipts, exclusive of money obtained upon loans, at two hundred and forty thousand twenty six dollars and thirty two cents, and the expenditures at three hundred and seven thousand, seven hundred and forty nine dollars, three cents, making an excess of the latter over the former, of sixty seven thousand, seven hundred forty two dollars, and seventy one cents, which, after crediting the balance of the last pre-

ceding account, produces an actual debt of a large amount against the Commonwealth, to be provided for, and paid hereafter.

It is obvious, that, without the interposition of the Legislature, which can alone authorize competent supplies from the abundant resources of the State, this debt must be rapidly and fearfully augmenting. To the deficiency of each current year, will be added that of the preceding, with accruing interest, until a burden will be found to exist, as difficult to be removed, as it was once unnecessary to be created. Against permitting this state of things, the experience of other times conveys the most impressive admonitions. It is no less repugnant to the sentiments of a Republican People, than it is unfavourable to the advancement of the interests of the State, that adequate contributions should be withheld from the support of Government. At present, the Treasury depends almost exclusively upon the Bank taxes, and Auction duties, while every other object and interest are exempt from assessment. Happily the condition of the Commonwealth does not demand this immunity. Her riches and her resources, the business and the habits of the people, afford ample means for the supply of every occasion, whether of present need, or for purposes of future improvement. A moderate State Tax, of just and equal apportionment, has never been objected to, in principle, as a measure of Revenue, and resort to it seems

now to have become indispensably necessary, to replenish an exhausted Treasury, and provide against future deficiency.

In reference to a permanent relief of the Treasury, to some extent, the propriety of taxing the business in the Probate Courts, towards the expense of that part of the administration of the law, is suggested. In every other department of jurisprudence, the charges are, at least, partially defrayed, in the shape of fees for the entry of actions, trials, &c. while here, large estates are settled, the rights of creditors secured, distributions made among heirs, and many of the most difficult and complicated concerns of property and of parties adjusted, altogether at the public cost. With a compassionate regard to the condition of the destitute widow, and of those who are left with little inheritance, it is yet believed, that a rate of fees might be established, which, in application to Estates of magnitude, would be just in themselves, as an equivalent for the services rendered by the officers of government, and in their aggregate amount, would satisfy no inconsiderable proportion of the expense of this Tribunal of Justice.

I feel it my duty to transmit for your consideration copies of all the Reports which have been made to the Executive, by the officers of the State Prison, during the last year. It is with deep regret that I find occasion to inform you, that the Institution is not yet placed in a situation to afford

satisfaction, although there is reason to believe that the system of government which is contemplated to be introduced upon the completion of the new building, and which is postponed only to that event, will be attended with the happiest effects. Less progress has been made upon this structure, during the past season, than was desired, or had been anticipated. By the late law, the direction of the work, with the entire control of the labor of the convicts was given to the Warden, and he has judged, upon his exclusive responsibility, how far the interests of the State would justify a delay in the finishing of the Prison, for the sake of profit upon work for the market. On this question, I have personally entertained the strongest conviction of the primary importance of an early command of means for the greater restraint of the convicts, and I have not failed, on every suitable occasion, to urge the opinion upon the attention of those, to whom it might with propriety be addressed. It is a vain expectation, that either economy in the arrangements of business, or sobriety of deportment in the conduct of prisoners, can be secured, while mischievous combinations, deception, disobedience, and avoidance of labour, may escape observation and punishment. The different employments of the convicts, in the shops, on the Prison, and in various parts of the yard, which is unavoidable during the operation of building, renders it difficult to exercise a suitable watchful-

ness over them, and is wholly unfavourable to a strict and efficient course of discipline for their control. In this view of the subject, I suggest the expediency of an order, by the Legislature to the Warden, to direct the whole force of the prison labour, which can be made beneficially to apply, to the immediate completion of the new building. The cells of a part of the third and of the whole of the fourth story of the original plan, with a part of the exterior walls and the roof, yet remain to be constructed. But a considerable proportion of the materials are in preparation, and the accomplishment of the work is entirely practicable in the early part of the season.

The Commission constituted under the authority of a Resolve of the 4th March last, and whose powers were extended by a subsequent Resolve of the 11th of June, have presented to me a minute, detailed, and most elaborate Report of their examinations of the Prison Accounts, from the thirtieth of September 1823, to the first day of October 1828, and of the accounts of the Superintendant of the new building. This document exhibits, probably, for the first time, a perfectly precise and accurate view of the financial concerns of the Institution, inasmuch, as connected with a statement of the annual Receipts and Expenditures, is now to be found a particular inventory and true estimate of the value of every species of property. So thorough indeed, have been the labours of the

Commissioners in the performance of the duties assigned them, that there can be no occasion hereafter to go behind their Report, to ascertain the state of affairs at the time of its date. The late Warden of the Prison having recently resigned his office, I felt myself justified in requesting the Commissioners to continue the auditing of his accounts up to the day of his discharge, that there might be distinct and certain data by which to determine the future accountability of his Successor.

The vacancy occasioned by the resignation has been supplied by a new appointment, and the officer is now in the execution of the duties of his station.

The expenses of the Prison, the last year, for the support and employment of the convicts, have exceeded their earnings by $12,167 07. This is to be accounted for, in a great measure, by the reduced price of hammered stone, and the successful competition of persons abroad, in obtaining contracts for work. It will deserve, however, the particular regard of the responsible officers, how far a change in the manner of procuring the rough material, and the supplies for the Prison may be made to diminish the expense in future.

In the month of August last, a fire was communicated, probably by design of one or more of the the convicts, to the range of Brick Work Shops in the Prison Yard, by which the roof and the greater

part of the interior, with some stock and moveable property were destroyed. The exterior walls were immediately afterwards reduced to the height of one story, and the building altered and repaired in such manner, as better to answer the purposes for which in future it will be wanted. The loss to the Commonwealth, exclusive of any difference there may be in the value of the former and the present shops, is estimated by the late Warden, at about fifteen hundred dollars.

During a violent tempest in October, a part of the old wall of the Yard, west from the New Prison, was blown down. The work appears, most obviously, to have been improperly and unfaithfully constructed. Many years since, a different section of the same line of wall fell, and was rebuilt from the foundation. It will be found necessary to repair the present breach in a like thorough manner. In the mean while, until this can be done, the yard is made secure by a temporary barrier, which has been erected.

The examinations and surveys, which were assigned by the Legislature to the direction of the Commissioners of Internal Improvement, have been completed since the last session, and plans of proposed routes for *Rail Roads* from Boston to Providence, and from Boston to the Hudson River, with estimates of the cost of construction, in detailed Reports, will be submitted to your consideration. It can be neither useful nor proper, that I

should occupy your attention by anticipating in this address the various information which will be afforded by the doings of the Commissioners and Engineers. They will appear to have resulted in an entire assurance of the practicability of the great improvements which have been contemplated, and in presenting the strongest inducements to the Government and People, to encourage them to their immediate undertaking. The Reports will exhibit distances, preferences of location, difference in estimates of expense, and comparative advantages from occasions of business, *upon every direction of way which has justified examination*, and no reasonable ground of inquiry will remain to occasion delay in determining the manner and time of proceeding to the work. Referring the Legislature, as I would most respectfully do, to a former expression of my sentiments to them, and on repeated occasions to former Legislatures, on the general subject of this species of improvement, for whatever influence of opinion it may become the Executive to attempt, I beg leave only to add, that every passing day bears witness, that, for want of facilities to intercommunity between the interior and the capital of the State, the most serious diversions of trade are taking place to other markets. Already hundreds of tons of merchandize have been carried from the warehouses of a neighbouring Government, through a new channel, into a central and populous district of the Common-

wealth. Within a few weeks of impeded and experimental navigation only, in the very commencement of the use of the Blackstone Canal, nearly *four hundred tons of freight* were delivered at its head, while double that quantity was discharged at different points upon the route, and a great amount it is said, which was ordered, has been left, by the premature withdrawal of the boats, to be transported with the opening of another season. By this channel also, a direct trade in lumber has commenced with the State of Maine, and in goods with the city of New York, from either of which places, water conveyance fifty miles inland into Massachusetts, is at half the cost of land carriage from Boston to Worcester only. The occasion of business along this line of artificial communication has been estimated to require for the next year, the constant employment of at least *twenty boats, of a tonnage of from* 20 *to* 30 *tons each.* It is not however, to counteract the success of this, or of any other enterprise, that different projects are to be undertaken. They all tend to the improvement of the condition of country. Multiply them, and additional capacities are afforded to employ and sustain an augmented population; the means of intercourse are increased, bye-paths are made frequent, remote places brought near, the demands of trade better supplied, the establishment of manufactures and the spread of the useful arts promoted, and by their extension new markets are

created for the productions of agriculture, and the cultivation of the earth is encouraged.

In answer to a letter of inquiry addressed by me to the Chairman of the Board of Internal Improvement, which Board was specially charged with the examination of a Route for a *Canal* from tide waters near the city of Boston, to intersect the Blackstone Canal, and thence to the waters of the Connecticut River, I am informed that progress has been made in executing the commission, and that a report may be expected early in the course of the present session. The engagements of the Engineer upon the Rail Road surveys, have necessarily occasioned delay in the completion of this service.

The present situation of the claim of the State upon the General Government requires, that it should be presented to your attention. The history of the embarrassments, vexations and disappointments, which have been experienced in its prosecution, need not be repeated. A Report of the late Secretary of War, recently published by order of the House of Representatives, has again brought the subject before Congress. The appeal may now be urged directly to the wisdom and justice of the Nation. It was time, long since, that this question should have been disposed of, and I hesitate not to declare, that a further postponement of it ought not to be acquiesced in. The *honor* of the State demands, that the subject should be better understood, and its *interest*, that it should be

promptly decided. The merits of the Claim have never yet been matter of candid and faithful examination with those on whom it has devolved to make provision for its payment. Whenever it has been proposed for consideration, prejudiced minds seizing upon objections to certain indefensible principles which were asserted during the war, without inquiry into the extent of their practical application, or heeding whether they applied at all to the character of the service, have most unwarrantably reproached and condemned the State, its Government, and its rights, alike unheard and misunderstood, together. If this debt is not now to be satisfied, let there, at least, be a responsibility resting somewhere, for the refusal. A sovereign State, when exhibiting its demands at the bar of the Nation, may expect to learn wherefore they are resisted. It is not within the obligation of loyalty, tamely to submit to a denial of Justice. In a Republican Government, it is the right of the humblest individual to be heard, and much more is that measure of respect due to a constituent member of the Union, which shall secure a patient and faithful attention to its representations. Whatever should or might have been attempted by the Executive of the State to procure an allowance of the claim, it is believed, has, at no time, been neglected. By the Report of the Secretary, the whole case is now within the view of Congress. The accounts, the vouchers, all the papers, and all the means of in-

formation which ever can be afforded to an explanation and understanding of the charges, are at their control. Neither the shortness of the present session, nor the pressure of other business, should be a reason for not giving a precedence to this investigation. It is among the oldest, and in magnitude of pecuniary and political interest, is one of the most important concerns, which can be presented for discussion. I recommend to the Legislature to adopt a memorial or other mode of address, which shall express with firmness and energy, the sense entertained by the Government of Massachusetts, of the rights of the State, of the injustice and prejudice already suffered from delay in the allowance of the claim, and which shall insist upon its immediate payment, as the fulfilment of the obligation of the General Government to provide for the common protection and defence, and to do equal justice to every State of the Union. Let this be accompanied with a request to the Delegation in both Houses of Congress, to enforce the demand by the utmost of their exertions. It will strengthen their hands to the task. It will give them confidence in the success of their efforts. It will authorize them to speak in the name of the People, and with the voice of the sovereignty of Massachusetts; and if this ancient Commonwealth, the earliest and foremost of the parties to the confederacy, which poured out, with profusion, its blood and treasure, to achieve the Independence of the Nation, and which,

at all periods, has made liberal contributions of talent, patriotism, and service, to the support of the Constitution, and the administration of the Government, is to be regarded, that voice will not be uttered in vain.

The Report of the Secretary of War, to which I have alluded, will be laid before you. It will be found to contain injurious discriminations in the items of account, but these may be the subject of correction before Congress, or an occasion for future attention with some branch of the Executive Department of the Nation.

The Land Agent of the Commonwealth, who, by virtue of sundry Resolves, is vested with important powers in the management of the property in the public Lands, within the limits of the State of Maine, will report, directly to the Legislature, his proceedings in the discharge of the trusts committed to him. The sales of timber, the last year, have been considerable, and have probably saved so much from the depredations to which the lands, from their exposed situation in the neighborhood of large Rivers, and their remoteness from protection, are liable. It is unquestionably for the interest of the Commonwealth, that permits for the cutting of timber, should continue to be given, where the lands are thus situated; and the experience and fidelity of the Agent, with his personal knowledge of the country, are an assurance, that the confidence which has been reposed in his dis-

cretion, will not fail to be justified. Under the authority of a Resolve of the 22d of February last, the Land Agent, with the Treasurer of the Commonwealth, acting as joint special Commissioners, have disposed of several Townships near Moosehead Lake and south of the Monument Line, to an amount in price, of about twenty six thousand dollars. The proceeds, in payments required upon the purchase, and in securities for instalments of the balance, have been passed into the Treasury, and the money, as received, is mingled with the receipts from the ordinary sources of revenue. It has often been proposed, and it cannot but deserve the most serious consideration, that the sales of the public lands should be made to constitute a permanent fund for the support of schools, and the encouragement of learning, or for general purposes of public improvement. If the Government shall ever intend this disposition of the property, it seems necessary that the appropriation should be made, as the sales proceed, and before the Capital shall be further materially diminished. The State is now constantly consuming the principal, and defeating a hope which has been anxiously indulged, that, from this source, there might be an income, at some future period, which should be pledged to sustain and cherish the most valuable Institutions and best interests of the community.

It cannot but afford the highest satisfaction to the Legislature, to be informed, that the benefit of

a Resolve, passed on the fourth of March last, in favor of the non-commissioned Officers and Soldiers of the Revolutionary Army, *who were returned as a part of this State's quota, and who served three years and were honorably discharged*, has been claimed by numbers of the survivers of that patriotic and gallant Band, or the Descendants and Representatives of such as have deceased. From a Report of the Land Agent, it appears, that there remain but *nine lots undrawn*, in the Township of Mars-hill, which was appropriated to satisfy the grants to the Soldiers, while there is reason to believe, that there are many more cases in which claims to the bounty will be exhibited and allowed. It hence becomes necessary, that a further assignment of lands from which lots may be drawn, should be made by the Legislature, and for this purpose I recommend the subject to your early attention.

An interesting communication from Mr. Gallandet, Principal of the Asylum of the Deaf and Dumb at Hartford, received through the Department of State, is with pleasure referred to your notice. There are now *fifty four* Beneficiaries of the Commonwealth, in an equal number of males and females, supported and in a course of education at that Institution. With *Thirty two* of these, the limited term of pupillage will expire in the course of the present year, and from past observation, there is reason to believe, that there will not be a suffi-

cient number of Applicants, within the description of the Act of the Legislature, to supply their places. If such should be the fact, the propriety of permitting a longer continuance at the Asylum, of such of the pupils as should be selected for their talents and proficiency, and who, by further opportunities for instruction, might themselves become qualified to teach, or be otherwise particularly useful, is recommended to your favorable regard. This humane and charitable indulgence is strongly enforced by the observation of the Principal, that " four years affords but a very imperfect opportunity for the education of those, who like the Deaf and Dumb begin at the very Alphabet of learning, and have to be taught systematically, in the school-room, a great deal that other children acquire by promiscuous conversation and intercourse with Society." It is to be recollected, that these Beneficiaries, without instruction, are not only, from their natural defects, the most helpless and dependant of our Fellow beings, but, from their condition in Society, and the poverty of those, who otherwise, would be bound to provide for their support, must be sustained by the public bounty. It is cheering to the heart of the Philanthropist to witness the benign charities of the Government interposed for their relief;—to know, that while the ear is dead to sound and the tongue lost to speech, the mind is opened to acquisitions of knowledge, and life made a blessing by new powers of communication.

The acts for the encouragement of Agriculture and Manufactures will expire by their limitation, on the 20th of February next. The question of continuing the patronage of the Government to these important interests, *through the Agency of the Agricultural Societies*, will therefore, at this time, require decision. Before the next Legislature, the usual and convenient season for issuing proposals of premiums, for the current year, will have passed, and without the aid of Government, it may be feared, that many of the societies will be unable to hold their customary exhibitions.—To those who have had opportunities to witness the certain and beneficial influence of the bounty which has been distributed by these institutions, it would be matter of regret, that it should now cease. It has diffused a spirit of improvement from the Treasury Office to the remotest parts of the Commonwealth. No public bestowment was ever more faithfully applied, and none will be found to have made richer returns to the source from which it was derived. As a measure of political economy, it has yielded, annually, an hundred fold its amount in the increase of taxable capital. A comparative view of the state of Agriculture in Massachusetts, at the time of the passage of the original act for its encouragement, and the present, or the relative valuation of Agricultural products to other property, then and now, will not fail to show the impulse which has been given to

this vital interest of the Country. The direct countenance of the Legislature to the occupations of husbandry has had the effect to elevate the condition of the practical Farmer. His interests have been brought more distinctly into view. He has found higher rewards in his employment, and honor in the success of his labors. Experience too, has shown, that improved cultivation, rather than extent of territory, will best sustain increased population, and the promotion of domestic industry add most to the strength, safety and happiness of a people.

If the Legislature shall judge proper to renew the appropriation, some modification in the manner of its distribution is suggested. Since the incorporation of the New England Society for the promotion of Manufactures and the Mechanic Arts, these interests are brought more especially within the notice of that Institution, and the encouragement which is intended for them, can thus be directed to a wider scope for competition, and with better discrimination in the results of skill and of useful invention. The metropolis, which is the place of market for the productions of the manufactory and the work shop, is the convenient place also, for their examination for premiums, and it has rarely been found that they are exhibited, in variety or quantity, elsewhere. The proportion of bounty which shall be due to agriculture and the

Household, will continue to be distributed by the County Societies, with most satisfaction.

The Constitution and the laws impose high and responsible duties upon certain municipal and executive Officers, in relation to the returns of elections. It has been noticed with concern, that there is great remissness in the discharge of these obligations. The returns from the Congressional Districts have often been incomplete; and in the late Presidential Election, by the omission of seasonable returns from numerous Towns the votes of hundreds of citizens were lost, on one of the most interesting and deeply exciting questions of political moment. Indeed, the results of elections are put at hazard, by the neglects of those, whose duty it is made to transmit the returns. A greater offence to the rights and privileges of Freemen can hardly be committed. It may defeat an election, actually made by a majority of the votes of the people, and create the occasion and trouble of another canvass; or it may determine a choice, upon a minority of the votes which are cast, and give office to those, who are not the Representatives of the will of their Constituents.

The consequences are a direct violation, in its very worst form, of the security of the right of suffrage. It is in vain, that the ballot is given, if it remains untold in the count. Individuals may find redress for a wrongful rejection of their votes, even from honest error in the presiding officers at elec-

tions, but it is of little avail, if the returns of whole communities are lost with scarce an enquiry, and without reprehension. In relation to the past I have nothing to propose, but I beg leave to submit to your consideration, that it should be made the duty of the Secretary of the Commonwealth, at the session next after the return day of an election, to report the names of the towns from which returns were not received, or were unseasonably received, with a note of the time and manner of the reception, that every neglect may be made known to the Legislature, and in their discretion be referred to the prosecuting officers of the Government, for animadversion and correction by the Courts of law.

For the great length of this communication I trust an apology may be found in the importance of the topics to which it relates. Whatever subjects may occur during the session, to require it will be faithfully referred to your attention, as they present themselves, by special Message.

LEVI LINCOLN.

Council Chamber, Boston, January 7th, 1829.

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